

ASSEMBLY BILL

No. 1074

Introduced by Assembly Member Fuentes

February 18, 2011

An act to add Section 1714.55 to the Civil Code, relating to personal liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1074, as introduced, Fuentes. Personal liability immunity: telecommunication service providers.

Existing law provides that a telecommunications service provider is generally liable for any claim, damage, or loss caused by their conduct.

This bill would provide that a provider of telecommunication service, or other service, that is involved in providing 9-1-1 service, as defined, is not liable for any claim, damage, or loss caused by an act or omission of the company, and other individuals, in the design, development, maintenance, or provision of 9-1-1 service, unless the act or omission that proximately caused the claim, damage, or loss constituted gross negligence, recklessness, or intentional misconduct.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1714.55 is added to the Civil Code,
- 2 immediately following 1714.5, to read:
- 3 1714.55. (a) A retail or wholesale service provider of
- 4 telecommunications service, or other service, involved in providing
- 5 9-1-1 service, shall not be liable for any claim, damage, or loss

1 caused by an act or omission of the company, business, or
2 individual in the design, development, installation, maintenance,
3 or provision of 9-1-1 service, unless the act or omission that
4 proximately caused the claim, damage, or loss constituted gross
5 negligence, recklessness, or intentional misconduct.

6 (b) For purposes of this section:

7 (1) “Public safety agency” is defined in accordance with the
8 Warren-911-Emergency Assistance Act (Article 6 (commencing
9 with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title
10 5 of the Government Code).

11 (2) “9-1-1 service” means a system involved in either connecting
12 users to a public safety agency, or in providing data, including,
13 but not limited to, the location of the user, to a public safety agency.

14 (c) This section shall not be construed to modify service tariff
15 provisions.